

### **DETAILED ACTION**

1. This action is responsive to the request for continued examination filed on January 28, 2010. Claims 1, 17, 28, 30, 33, 35 and 46 have been amended. Claims 1,2,5-7,9-12,14-21,28,30,31,33, 35,36,39, 41-44, 46,47,50-52 and 54-57 are pending. Claims 1,2,5-7,9-12,14-21,28,30,31,33, 35,36,39, 41-44, 46,47,50-52 and 54-57 represent the activities of an individual or group using minimal information.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 35,36,39, 41-44 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 35, 37-38, 39 and 41-44, Applicant discloses "a computer-readable medium" which was not described in the specification, therefore rejected under 112 first paragraph. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35,36,39, 41-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses in claims 35,

37-38, 39 and 41-44, "computer-readable medium...". The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. Appropriate correction is required.

In order to overcome the 101 rejection, Examiner suggests to Applicants to change "computer-readable medium" as "non-transitory computer-readable medium".

***Allowable Subject Matter***

4. Claims 1,2,5-7,9-12,14-21,28,30,31,33,46,47,50-52 and 54-57 are allowed.

Claims 35,36,39, 41-44 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph and the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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/El Hadji M Sall/

Examiner, Art Unit 2457